



Removing Physical Barriers to the Ballot: Polling Site Inspection Initiative Continued in 2005

Although a new State law, enacted in 2005, enables any registered New Jersey resident to vote using a “no excuse” absentee ballot, it remains the commitment of the Attorney General’s Office to ensure that all eligible voters who choose to vote in person can physically do so.

With this commitment in mind, the Attorney General’s Office — largely through the work of its Division on Civil Rights and Division of Elections — continued in 2005 to pursue the State’s first-ever polling place accessibility initiative, formally known as Operation NJ-PAASS (Polling Accessibility for All Sites in Our State.)

To obtain an accurate sense of the scope and nature of New Jersey’s polling site accessibility needs, the Division on Civil Rights, at the direction of the Attorney General, initiated a

program of polling place inspections.

At the same time, the DCR was asked to collaborate with local election officials, advocacy groups and other stakeholders to develop a strategy to eventually make all New Jersey polling sites accessible. The result was Operation NJ-PAASS.

Launched in 2004, Operation NJ-PAASS consists of several key components including:

- ❖ a continuum of statewide polling place inspections, and the sharing of polling site inspection results with relevant agencies and community stakeholders
- ❖ the use of polling site inspection data to target polling places in need of relocation or, in the alternative, modifications that would make them 100 percent accessible to the disabled



The Attorney General’s Polling Place Accessibility Initiative aims to ensure that every polling site throughout the State is physically accessible to voters with disabilities.



❖ the use of training, education and information-sharing to generate greater awareness of the State's polling site accessibility initiative, and to encourage collaborative effort aimed at improving access for disabled voters

Owing to a number of factors, some neighborhood polling locations throughout the State have been, and remain, difficult — if not impossible — to access for persons with mobility-related impairments.

For example, some polling sites lack accessible parking. Others lack barrier-free paths of travel within the building and/or outside. Still others lack visible signs directing voters to doorways and other areas that are accessible to those using a wheelchair, crutches, a walker or cane.

The key component of Operation NJ-PAASS remains a continuing program of polling place inspections in all 21 counties that was launched during the May 2004 Non-Partisan Municipal Elections. Thirty-three State inspection teams surveyed a total of 162 polling sites. Of those sites, 67% were found to have accessibility-related deficiencies.

During the June 2004 Primary Election, 38 State inspection teams surveyed a total of 382 polling locations. In that round of inspections, 57 percent of the polling sites were found to have accessibility-related failures.



In the November 2004 General Election, 38 State inspection teams surveyed a total of 329 polling sites, finding accessibility-related problems at 28 percent of the sites inspected.

In each case where inspectors found accessibility-related failings, the Division on Civil Rights sent Notices of Non-Compliance to the responsible local election officials.

Although the Attorney General's Office has jurisdiction to civilly prosecute violations of the New Jersey Law Against Discrimination (LAD), Attorney General Harvey has chosen, in carrying out NJ-PAASS, to not respond punitively to violations. Rather — since the ultimate goal is improved access to voting for persons with mobility impairments — emphasis has been placed on working in partnership with local jurisdictions to identify solutions, and to help them achieve 100 percent accessibility at polling sites they supervise.

The Attorney General has not, however, ruled out the possibility of litigation in cases where jurisdictions refuse to make polling places accessible.

As part of the 2004 NJ-PAASS inspection effort, 80 polling sites that failed an initial inspection during either the May Non-Partisan Municipal Elections or the June Primary Election were chosen for re-inspection during the November 2004 General Election. It is encouraging to note that, of those re-inspected sites, 67% were found to have already corrected the failures identified earlier.

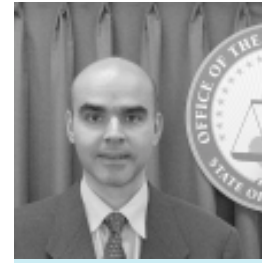
Once again in 2005, teams were dispatched to inspect polling places during the May Non-Partisan Municipal Elections, the June Primary and the November General Election.

By year's end, upwards of 800 polling locations throughout New Jersey were expected to have been visited by NJ-PAASS inspection teams.

Ultimately, local officials responsible for any polling sites that failed inspection in 2005 will be expected to either resolve the violations or — in cases where the on-site repair of violations looms as impractical or prohibitively costly — consider relocating the offending sites to more accessible facilities.

The Attorney General's Office's Division on Civil Rights and Division of Elections will continue working with local election officials, advocacy groups and others to make the voting process as inclusive and accessible as possible for all eligible New Jerseyans.

To view a complete report on Operation NJ-PAASS, visit the New Jersey Division on Civil Rights Web site at www.NJCivilRights.org.



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Division of Elections

The Attorney General is New Jersey's Chief Election Official, and serves as chairman of the Board of Canvassers. The Board of Canvassers certifies results for federal and state office elections and public questions.

The Division of Elections is dedicated to ensuring the integrity of the electoral process in New Jersey, and to making certain that voter registration — as well as the actual voting process — is as accessible and inclusive as possible. The Division assures compliance with the federal National Voter Registration Act (NVRA), and the Help America Vote Act (HAVA), which includes all reporting requirements to the Federal Election Commission and Election Assistance Commission. Additional responsibilities include certification of voting machines, serving as filing officer for all federal and state public elective offices, ensuring compliance with polling place accessibility for the elderly and disabled, regulatory authority for voter registration, political party declarations, absentee voting, election district requirements and polling place accessibility.

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